

TRAITE DE COOPERATION EN MATIERE DE BREVETS

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RAPPORT D'EXAMEN PRELIMINAIRE INTERNATIONAL

(article 36 et règle 70 du PCT)

Référence du dossier du déposant ou du mandataire	POUR SUITE A DONNER voir la notification de transmission du rapport d'examen préliminaire international (formulaire PCT/PEA/416)	
Demande internationale No. PCT/FR 03/02970	Date du dépôt international (jour/mois/année) 08.10.2003	Date de priorité (jour/mois/année) 08.10.2002
Classification Internationale des brevets (CIB) ou à la fois classification nationale et CIB A23C19/06		
Déposant WALCHLI SA et al.		

1. Le présent rapport d'examen préliminaire international, établi par l'administration chargée de l'examen préliminaire international, est transmis au déposant conformément à l'article 36.



2. Ce RAPPORT comprend 5 feuilles, y compris la présente feuille de couverture.

☐ Il est accompagné d'ANNEXES, c'est-à-dire de feuilles de la description, des revendications ou des dessins qui ont été modifiées et qui servent de base au présent rapport ou de feuilles contenant des rectifications faites auprès de l'administration chargée de l'examen préliminaire international (voir la règle 70.16 et l'instruction 607 des Instructions administratives du PCT).

Ces annexes comprennent feuilles.

3. Le présent rapport contient des indications et les pages correspondantes relatives aux points suivants :

- I ☒ Base de l'opinion
- II ☐ Priorité
- III ☐ Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle
- IV ☐ Absence d'unité de l'invention
- V ☒ Déclaration motivée selon la règle 66.2(a)(ii) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration
- VI ☐ Certains documents cités
- VII ☐ Irrégularités dans la demande internationale
- VIII ☐ Observations relatives à la demande internationale

Date de présentation de la demande d'examen préliminaire internationale 19.04.2004	Date d'achèvement du présent rapport 16.12.2004
Nom et adresse postale de l'administration chargée de l'examen préliminaire international  Office européen des brevets D-80298 Munich Tél. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Fonctionnaire autorisé Smeets, D N° de téléphone +49 89 2399-7492 

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**RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL**

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6. Observations complémentaires, le cas échéant :

V. Déclaration motivée selon l'article 35(2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration

1. Déclaration Nouveauté	Oui:	Revendications	1-16
	Non:	Revendications	17,18
Activité inventive	Oui:	Revendications	1-16
	Non:	Revendications	17,18
Possibilité d'application industrielle	Oui:	Revendications	1-18
	Non:	Revendications	

2. Citations et explications

voir feuille séparée

**RAPPORT D'EXAMEN
PRELIMINAIRE INTERNATIONAL - FEUILLE SEPARÉE**

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Concernant le point V

Déclaration motivée quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration

Il est fait référence aux documents suivants:

- D1: J. DAVIS: "Cheese Vol. III" 1976, CHUCHILL LIVINGSTONE, LONDON, XP002246436
- D2: US-A-4 539 902 (HANCOCK HERBERT W ET AL) 10 septembre 1985 (1985-09-10)
- D3: US-A-4 332 831 (RUST ROBERT R) 1 juin 1982 (1982-06-01)
- D4: FR-A-2 800 570 (CHANET JACQUES JEAN ANTOINE) 11 mai 2001 (2001-05-11)

1. Nouveauté - Article 33(1) et (2) PCT

La présente demande ne remplit pas les conditions énoncées dans l'article 33(1) PCT, l'objet des revendications 17 et 18 n'étant pas conforme au critère de nouveauté défini par l'article 33(2) PCT.

Les documents D2-D4 décrivent une pâte fromagère pressé, formée en boudin. Le boudin est découpé.

Les caractéristiques vagues du procédé de la revendication 1 ont une portée très large et n'ajoutent pas des caractéristiques limitatives supplémentaires à la pâte qui fait l'objet des revendications 17 et 18.

En outre, une portion de pâte de Cantal (sans croûte), préparée selon le procédé traditionnel (D1), anticipe aussi l'objet des revendications 17 et 18. La pâte présente les mêmes "caractéristiques" que celles du Cantal.

2. Activité inventive - Article 33(1) et (3) PCT

Le document D1, qui est considéré comme étant l'état de la technique le plus proche de l'objet de la revendication 1 décrit le procédé de préparation de Cantal.

Le deuxième pressage est effectué en plaçant la tomme broyée dans des moules cylindriques.

L'objet de la revendication 1 diffère de ce procédé connu en ce que une mouleuse tubulaire à axe vertical est utilisée pour effectuer le deuxième pressage.

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PRELIMINAIRE INTERNATIONAL - FEUILLE SEPAREE

Le problème que se propose de résoudre la présente invention est un alternatif pour effectuer la seconde phase de pressage dans un procédé de fabrication d'une pâte fromagère non cuite, ayant subi un double pressage et une double maturation.

Des mouleuses tubulaires ont déjà été employées dans un procédé de fabrication d'une pâte fromagère, voir D2, D3 ou D4. L'utilisation d'une mouleuse tubulaire correspond à une étape d'égouttage et de préformage.

Aucun des documents D2-D4 ne suggère l'utilisation d'une mouleuse tubulaire dans un procédé de fabrication d'une pâte fromagère non cuite, ayant subi un double pressage et une double maturation.

La solution de l'a revendication 1 a l'avantage d'intégrer l'étape d'emballage au procédé de préparation.

Donc, l'objet de la revendication 1 est considéré comme inventif.

Les revendications 2-16 dépendent de la revendication 1 et satisfont donc également, en tant que telles, aux conditions requises par le PCT en ce qui concerne la nouveauté et l'activité inventive.

Translation

PATENT COOPERATION TREATY

PCT/FR2003/002970



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 43609 MD/DGR	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002970	International filing date (day/month/year) 08 octobre 2003 (08.10.2003)	Priority date (day/month/year) 08 octobre 2002 (08.10.2002)
International Patent Classification (IPC) or national classification and IPC A23C 19/06, 19/064, 19/068		
Applicant WALCHLI SA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 avril 2004 (19.04.2004)	Date of completion of this report 16 December 2004 (16.12.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002970

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed☒ the description:

pages _____ 1-7 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages _____ 1-18 _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims, Nos. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-16	YES
	Claims	17, 18	NO
Inventive step (IS)	Claims	1-16	YES
	Claims	17, 18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

- D1: J. DAVIS: "Cheese Vol. III", 1976, CHURCHILL
LIVINGSTONE, LONDON, XP002246436
- D2: US-A-4 539 902 (HANCOCK HERBERT W ET AL), 10
September 1985 (1985-09-10)
- D3: US-A-4 332 831 (RUST ROBERT R), 1 June 1982 (1982-
06-01)
- D4: FR-A-2 800 570 (CHANET JACQUES JEAN ANTOINE), 11 May
2001 (2001-05-11)

1. Novelty - PCT Article 33(1) and 33(2)

The present application does not comply with PCT Article 33(1) because the subject matter of claims 17 and 18 does not meet the requirement of PCT Article 33(2) for novelty.

Documents D2-D4 describe a pressed cheese curd formed into a cylindrical block of cheese, which is then sliced.

The vague features of the process as per claim 1 have a very large scope and do not add supplementary restrictive features to the cheese curd as per claims 17 and 18.

Moreover, a Cantal cheese curd portion (without rind) prepared by the traditional process (D1) also anticipates the subject matter of claims 17 and 18. The cheese curd has the same "features" as Cantal cheese.

2. Inventive step - PCT Article 33(1) and 33(3)

Document D1 is considered to constitute the prior art closest to the subject matter of claim 1 and describes the Cantal cheese preparation process. The second pressing is performed by placing the crushed tomme in cylindrical formers.

The subject matter of claim 1 differs from that known process in that a tubular former with a vertical axis is used for the second pressing.

The present invention addresses the problem of providing an alternative way of performing the second pressing phase during the preparation of a raw cheese curd subjected to double pressing and double ripening.

Tubular formers have already been used in a process for preparing cheese curd (see D2, D3 or D4). The use of a tubular former corresponds to a draining and preforming step.

None of the documents D2 to D4 suggests the use of a tubular former in a process for preparing a raw cheese curd subjected to double pressing and double ripening.

The solution as per claim 1 has the advantage of integrating the conditioning step in the preparation process.

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The subject matter of claim 1 is therefore considered inventive.

Claims 2-16 are dependent on claim 1 and thus also meet the PCT novelty and inventive step requirements.